

STATE OF NEW YORK
COUNTY COURT :: BROOME COUNTY

THE PEOPLE OF THE STATE OF NEW YORK

I N D I C T M E N T

-vs-

(Felony Pleading No. 19-165)

KEVIN L. WILCOX,

2019 BROOME COUNTY TERM V

Defendant.

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, KEVIN L. WILCOX, of the crime of AGGRAVATED VEHICULAR HOMICIDE, in violation of Section 125.14, Subdivision 5, of the Penal Law of the State of New York, a Class B Felony, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did commit the crime of Vehicular Manslaughter in the Second Degree as defined in Section 125.12 of the Vehicle and Traffic Law, and committed such crime while engaging in Reckless Driving, as defined in Section 1212 of the Vehicle and Traffic Law, and did cause the death of one person and the serious physical injury of at least one other person, to wit: at the aforementioned time and place, said defendant did operate a 1995 Jeep motor vehicle on Beethoven Street, a public highway, in said City, County and State, in a manner which unreasonably interfered with the free and proper use of the public highway and/or unreasonably endangered users of the public highway, and did so while his ability to operate a motor vehicle was impaired by the use of a drug, and as a result of such impairment by the use of a drug, did operate said motor vehicle in a manner that caused the death of Harper Stantz and caused serious physical injury to Britney Laserinko, all contrary to the provisions of the statute in such case made and provided.

SECOND COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, KEVIN L. WILCOX, of the crime of MANSLAUGHTER IN THE SECOND DEGREE, in violation of Section 125.15, Subdivision 1, of the Penal Law of the State of New York, a Class C Felony, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did recklessly cause the death of another person, to wit: at the aforementioned time and place, said defendant did recklessly cause the death of Harper Stantz, all contrary to the provisions of the statute in such case made and provided.

THIRD COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, KEVIN L. WILCOX, of the crime of VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE, in violation of Section 125.12, Subdivision 1, of the Penal Law of the State of New York, a Class C Felony, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did cause the death of such other person by operation of a vehicle in violation of subdivision 2, 3, 4, or 4-a of section eleven hundred ninety-two of the Vehicle and Traffic Law or by operation of a vessel or public vessel in violation of paragraph (b), (c), (d) or (e) of subdivision two of section forty-nine-a of the navigation law, and as a result of such intoxication or impairment by the use of a drug, or by the combined influence of drugs or of alcohol and any drug or drugs, operates such motor vehicle, vessel or public vessel in a manner that causes the death of another person, to wit: at the aforementioned time and place, said defendant did operate a 1995 Jeep motor vehicle on Beethoven Street, a public highway, in said City, County and State, while his ability to operate a motor vehicle was impaired by the use of a drug, and as a result of such impairment by the use of a drug, did operate said motor vehicle in a manner that caused the death of Harper Stantz, all contrary to the provisions of the statute in such case made and provided.

FOURTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, KEVIN L. WILCOX, of the crime of AGGRAVATED VEHICULAR ASSAULT, in violation of Section 120.04-a, Subdivision 4, of the Penal Law of the State of New York, a Class C Felony, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did commit the crime of Vehicular Assault in the Second Degree as defined in Section 120.03 of the Vehicle and Traffic Law, and committed such crime while engaging in Reckless Driving as defined in Section 1212 of the Vehicle and Traffic Law, and did cause serious physical injury to more than one person, to wit: at the aforementioned time and place, said defendant did operate a 1995 Jeep motor vehicle on Beethoven Street, a public highway in said City, County and State, in a manner which unreasonably interfered with the free and proper use of the public highway and/or unreasonably endangered users of the public highway and did so while his ability to operate a motor vehicle was impaired by the use of a drug, and that as a result of such impairment by the use of a drug, did operate said motor vehicle in a manner that caused serious physical injury to Harper Stantz and Britney Laserinko, all contrary to the provisions of the statute in such case made and provided.

FIFTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, KEVIN L. WILCOX, of the crime of VEHICULAR ASSAULT IN THE FIRST DEGREE, in violation of Section 120.04, Subdivision 4, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did commit the crime of Vehicular Assault in the Second Degree as defined in Section 120.03 of the Vehicle and Traffic Law and did cause serious physical injury to more than one person by operation of a motor vehicle in violation of subdivision 2, 3, 4, or 4-a of section eleven hundred ninety-two of the Vehicle and Traffic Law, to wit: at the aforementioned time and place, said defendant did operate a 1995 Jeep motor vehicle on Beethoven Street, a public highway in said City, County and State, while his ability to operate a motor vehicle was impaired by the use of a drug and as a result of such impairment by the use of a drug, did operate said motor vehicle in a manner that caused serious physical injury to Harper Stantz and Britney Laserinko, all contrary to the provisions of the statute in such case made and provided.

SIXTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, KEVIN L. WILCOX, of the crime of ASSAULT IN THE SECOND DEGREE, in violation of Section 120.05, Subdivision 4, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did recklessly cause serious physical injury to another person by means of a deadly weapon or a dangerous instrument, to wit: at the aforementioned time and place, said defendant did recklessly cause serious physical injury to Harper Stantz, by means of a dangerous instrument, a 1995 Jeep motor vehicle, all contrary to the provisions of the statute in such case made and provided.

SEVENTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, KEVIN L. WILCOX, of the crime of ASSAULT IN THE SECOND DEGREE, in violation of Section 120.05, Subdivision 4, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did recklessly cause serious physical injury to another person by means of a deadly weapon or a dangerous instrument, to wit: at the aforementioned time and place, said defendant did recklessly cause serious physical injury to Britney Laserinko, by means of a dangerous instrument, a 1995 Jeep motor vehicle, all contrary to the provisions of the statute in such case made and provided.

EIGHTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, KEVIN L. WILCOX, of the crime of VEHICULAR ASSAULT IN THE SECOND DEGREE, in violation of Section 120.03, Subdivision 1, of the Penal Law of the State of New York, a Class E Felony, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did cause serious physical injury to another person by operation of a motor vehicle in violation of subdivision 2, 3, 4, or 4-a of section eleven hundred ninety-two of the Vehicle and Traffic Law, to wit: at the aforementioned time and place, said defendant did operate a 1995 Jeep motor vehicle on Beethoven Street, a public highway in said City, County and State, while his ability to operate a motor vehicle was impaired by the use of a drug and as a result of such impairment by the use of a drug, did operate said motor vehicle in a manner that caused serious physical injury to Harper Stantz, all contrary to the provisions of the statute in such case made and provided.

NINTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, KEVIN L. WILCOX, of the crime of VEHICULAR ASSAULT IN THE SECOND DEGREE, in violation of Section 120.03, Subdivision 1, of the Penal Law of the State of New York, a Class E Felony, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did cause serious physical injury to another person by operation of a motor vehicle in violation of subdivision 2, 3, 4, or 4-a of section eleven hundred ninety-two of the Vehicle and Traffic Law, to wit: at the aforementioned time and place, said defendant did operate a 1995 Jeep motor vehicle on Beethoven Street, a public highway in said City, County and State, while his ability to operate a motor vehicle was impaired by the use of a drug and as a result of such impairment by the use of a drug, did operate said motor vehicle in a manner that caused serious physical injury to Britney Laserinko, all contrary to the provisions of the statute in such case made and provided.

TENTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, KEVIN L. WILCOX, of the crime of RECKLESS ENDANGERMENT IN THE SECOND DEGREE, in violation of Section 120.20 of the Penal Law of the State of New York, a Class A Misdemeanor, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did recklessly engage in conduct which created a substantial risk of serious physical injury to another person, to wit: at the aforementioned time and place, said defendant did recklessly engage in conduct which created a substantial risk of serious physical injury to Harper Stantz, all contrary to the provisions of the statute in such case made and provided.

ELEVENTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, KEVIN L. WILCOX, of the crime of RECKLESS ENDANGERMENT IN THE SECOND DEGREE, in violation of Section 120.20 of the Penal Law of the State of New York, a Class A Misdemeanor, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did recklessly engage in conduct which created a substantial risk of serious physical injury to another person, to wit: at the aforementioned time and place, said defendant did recklessly engage in conduct which created a substantial risk of serious physical injury to Britney Laserinko, all contrary to the provisions of the statute in such case made and provided.

TWELFTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuses the above defendant, KEVIN L. WILCOX, of the crime of DRIVING WHILE ABILITY IMPAIRED BY DRUGS, in violation of Section 1192, Subdivision 4, of the Vehicle and Traffic Law of the State of New York, an Unclassified Misdemeanor, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did operate a motor vehicle while his ability to operate a motor vehicle was impaired by the use of a drug, to wit: at the aforementioned time and place, said defendant did operate a 1995 Jeep motor vehicle on Beethoven Street, a public highway in said City, County and State, while said defendant's ability to operate said motor vehicle was impaired by the use of a drug, all contrary to the provisions of the statute in such case made and provided.

THIRTEENTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuses the above defendant, KEVIN L. WILCOX, of the crime of RECKLESS DRIVING, in violation of Section 1212 of the Vehicle and Traffic Law of the State of New York, an Unclassified Misdemeanor, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, operated a motor vehicle in a manner which unreasonably interfered with the free and proper use of the public highway and/or unreasonably endangered users of the public highway, to wit: at the aforementioned time and place, said defendant did operate a 1995 Jeep motor vehicle on Beethoven Street, a public highway, in said City, County and State, and at that time did drive in a manner which unreasonably interfered with the free and proper use of the public highway and/or unreasonably endangered users of the public highway, all contrary to the provisions of the statute in such case made and provided.

FOURTEENTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuses the above defendant, KEVIN L. WILCOX, of the crime of FAILURE TO KEEP RIGHT, in violation of Section 1120(a) of the Vehicle and Traffic Law of the State of New York, a Traffic Infraction, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, did fail to drive on the right half of a roadway of sufficient width, to wit: at the aforementioned time and place, said defendant did operate a 1995 Jeep motor vehicle on Beethoven Street, a public highway of sufficient width, in said City, County and State, and at that time did fail to drive on the right half of said roadway, all contrary to the provisions of the statute in such case made and provided.

FIFTEENTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuses the above defendant, KEVIN L. WILCOX, of the crime of FAILURE TO YIELD RIGHT OF WAY TO EMERGENCY VEHICLE, in violation of Section 1144(a) of the Vehicle and Traffic Law of the State of New York, a Traffic Infraction, committed as follows:

That the said defendant, KEVIN L. WILCOX, in the City of Binghamton, County of Broome and State of New York, at approximately 3:26PM on or about the 11th day of March, 2019, upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle other than a police vehicle or bicycle when operated as an authorized emergency vehicle, and when audible signals are sounded from any said vehicle by siren, exhaust whistle, bell, air-horn or electronic equivalent; did fail to yield the right of way and failed to immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the roadway, and stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer, to wit: at the aforementioned time and place, said defendant did operate a 1995 Jeep motor vehicle on Beethoven Street, a public highway, and upon the approach of a Binghamton Fire Department Fire Medic Vehicle with emergency lights and sirens activated, did fail to yield the right of way and did fail to pull to the right-hand edge or curb of the roadway, and did fail to stop and remain in such position until the Binghamton Fire Department Fire Medic Vehicle had passed, all contrary to the provisions of the statute in such case made and provided.

Dated: April 25, 2019


s/Peggy McAuliffe

Foreperson

s/Stephen K. Cornwell, Jr.

District Attorney for Broome County